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DEPARTMENT FOR S/WCI (WILLIAMSON/VIBUL-JOLLES), EUR
(JONES), EUR/SCE (FOOKS/HYLAND)

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TAGS: [PGOV](#) [PINR](#) [PREL](#) [PTER](#) [BK](#)
SUBJECT: BOSNIAN RESPONSE ON ALGERIAN DETAINEES

REF: STATE 3113

Classified By: Ambassador Charles English for Reasons 1.4 (b) and (d)

11. (S) SUMMARY: On January 22 the Ministry of Foreign Affairs sent us a dipnote in response to our reftel request that Bosnia accept two Algerian nationals who lived in Bosnia before being detained in Guantanamo (Lakhdar Boumediene and Sabir Lahmar Manfud). The dipnote was vague as to the final GBiH position on the transfer of the two detainees, simply stating that the Council of Ministers supported the recommendation of the Working Group designated by the Ministry of Security--a recommendation put forward only in a classified document not formally shared with us. We have been seeking, to no avail, to obtain a new dipnote that clearly states the GBiH position. We have, in fact, received informally and confidentially a copy of the Bosnian Working Group's recommendation to the Council of Ministers referred to in the dipnote (reproduced in part below in paragraph 5), a document that is not meant to be shared outside the Bosnian government. It recommends against Bosnia accepting the two detainees because of "serious legal, security, status and other obstacles to their potential transfer to Bosnia and Herzegovina." We therefore understand the BiH dipnote to be a negative response to the request to transfer Boumedienne and Lahmar Manfud. END SUMMARY

Dipnote Received

12. The dipnote we received from the MFA on January 22 did not mention the two Algerian detainees by name, nor did it spell out explicitly the position of the Bosnian government regarding their return to Bosnia. The dipnote used the following language:

"The Council of Ministers stated that they received the Note from the United States of America regarding the Algerian Group, and obligated themselves to analyze its contents in accordance with the laws of Bosnia and Herzegovina. Concurrently, the Council of Ministers supported the recommendations of the Working Group which were prepared based upon information made available by the Security Structure in Bosnia and Herzegovina regarding the acceptance or non-acceptance of individuals--members belonging to the Algerian Group."

Efforts to Get Clarification

13. (S) On January 29 the Ambassador spoke with Foreign Minister Alkalaj and asked that the MFA send us a second dipnote that more explicitly spelled out the Bosnian government's response to our request regarding the two detainees. Alkalaj said he had, in the first dipnote, simply relayed text he had gotten from the Council of Ministers, but

said he would pass on our request to the Council that they give him more explicit language. Since that time we have been in touch with Prime Minister Spiric's Chief of Staff who has told us that the Prime Minister sent Foreign Minister Alkalaj a letter in early February directing him how to respond to the U.S. request. She also said Spiric had told Alkalaj during a Council of Ministers meeting on February 12 to send another dipnote to the Embassy. Since that time we have not received a dipnote, and Alkalaj's staff continues to tell us that they have not received the information they need from the Council of Ministers.

14. (S) Comment: The response to our request may be falling victim to the bad relationship between Prime Minister Spiric (an ethnic Serb from Republika Srpska Prime Minister Dodik's party) and Alkalaj (a close confidant of Bosniak Tri-Presidency member Haris Silajdzic). Conflicts between Bosniak party representatives on the Council and Spiric has led to deadlock on a number of issues recently, such as the naming of heads of state bodies responsible for EU integration and various law enforcement functions. In addition, personal relations between Spiric and Alkalaj have been strained for some time.

Bosnian Working Group Recommendation

15. (S) The following is text from the Working Group report that we received on a confidential basis:

"Report of the Working Group for the Implementation of the BH Council of Ministers' Conclusions related to the "Algerian Group", adopted at the sixth session of the BH Council of

Ministers, on November 13, 2008:

In accordance with the conclusions of the BH Council of Ministers, adopted at its sixth session held on November 13, 2008, which related to the "Algerian Group" case, and the obligation assigned to the Working Group to regularly inform the BH Council of Ministers on measures undertaken and actions related to the issues, we would herein like to inform you on the following:...The Working Group has suggested to the Ministry of Security not to transfer to Bosnia and Herzegovina the following individuals:

--Saber Lahmor, son of Mehvud and Ahill, born on May 22, 1969, in Connstatine, Republic of Algeria.

--Boumadiene Lakhader, son of Kad, bore on April 27, 1966, in Ayunsultan, Republic of Algeria.

For the following reasons:

--These two individual do not have BH citizenship, they are the citizens of the Republic of Algeria, and according to our legislation, belong to the category of foreigners;

--There are serious legal, security, status and other obstacles to their potential "transfer" to Bosnia and Herzegovina.

--Resolution of any form of their status as foreigners in Bosnia and Herzegovina would, on the basis of BH legal regulations, result in their transfer from BiH to their country of origin, that is the Republic of Algeria."

Conclusion: This Means No

16. (S) The dipnote from the Foreign Ministry did not clearly spell out the Bosnian position. However, it said the Council of Ministers supported the Working Group recommendation, and the Working Group recommended against allowing Boumedienne and Lahmar Manfud to return to Bosnia.

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